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*& Russell Lapat*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EDNA SANDRA BOCK-KASMINOFF, an individual,

Plaintiff,

v.

WALMART, INC., a Foreign Corporation DBA WALMART SUPERCENTER #5259; RUSSELL LAPAT; DOE STORE MANAGERS I through X; DOE STORE ASSOCIATES I through X; DOE MAINTENANCE ASSOCIATES I through X; DOE JANITORIAL ASSOCIATES I through X; DOES I - X; ROE MAINTENANCE COMPANIES XI through XX; inclusive, jointly and severally,

Defendants.

Case No.: 2:20-cv-00949-JAD-EJY

**STIPULATION AND ~~PROPOSED~~ ORDER FOR LEAVE TO CONDUCT CERTAIN DISCOVERY OUTSIDE THE DISCOVERY PERIOD**

Plaintiff EDNA SANDRA BOCK-KASMINOFF (hereinafter “Plaintiff”) and Defendants WALMART, INC. DBA WALMART SUPERCENTER No. 5259 and RUSSELL LAPAT (collectively “Defendants” or “Walmart”), by and through their respective counsel of record, do hereby stipulate to conduct certain discovery outside the discovery period. Specifically, the parties have previously stipulated that Defendant shall take the deposition of Plaintiff’s non-retained treating physician expert, RUSSELL T. NEVINS, MD on June 16, 2021. **Due to scheduling issues, the**

parties have now stipulated that Defendant shall also take the deposition of Plaintiff's retained expert, FRANK A. PEREZ, PhD on June 22, 2021, which is also outside the discovery period.

### **DISCOVERY COMPLETED TO DATE**

- The parties conducted an FRCP 26(f) conference on July 7, 2020;
- The parties have served and exchanged their respective FRCP 26(a) disclosures. Both Plaintiff and Defendant served their respective initial disclosures on July 10, 2020. Defendant has since served eight supplements;
- On July 20, 2020, Plaintiff served upon Defendant one set of Requests for Admissions, one set of Interrogatories and one set of Requests for Production of Documents and Defendant has responded to the same;
- On August 26, 2020, Defendant served upon Plaintiff one set of Requests for Admissions, one set of Interrogatories and one set of Requests for Production of Documents and Plaintiff has responded to the same;
- An Independent Medical Exam was performed on Plaintiff on October 8, 2020;
- A Site Inspection of Defendant's Walmart Store No. 5259 was performed on January 27, 2021 by Plaintiff;
- Plaintiff's deposition was taken on February 9, 2021;
- Deposition of Defendant's employees Jae Leonhardt on March 2, 2021;
- Deposition of Defendant's 30(b)(6) Witness on March 12, 2021;
- Expert disclosure of Defendant of April 16, 2021; and
- Expert disclosure of Plaintiff on April 19, 2021.

### **DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD**

Discovery to be completed include:

- **Defendant's deposition of Plaintiff's retained expert FRANK A. PEREZ, PhD, that is currently scheduled for June 22, 2021;**
- Defendant's deposition of Plaintiff's non-retained treating physician expert, RUSSELL T. NEVINS, MD, that is currently scheduled for June 16, 2021;

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1           The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Defendant  
2 timely noticed the respective Plaintiff's retained expert witness for deposition prior to the close of the  
3 discovery period. However, due to scheduling issues with both parties, the deposition was unable to go  
4 forward as scheduled. The parties have agreed to conduct the deposition outside of the discovery period.  
5 Understanding that Defendant wishes to take and has reserved the right to depose the named Plaintiff's  
6 expert witness, Plaintiff agrees that the deposition of FRANK A. PEREZ, PhD will occur on June 22,  
7 2021.

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The parties aver that this request is made by the parties in good faith and not for the purpose of delay.

DATED this \_\_\_ day of June 2021.

**BIGHORN LAW**

*/s/ Shane Cox*

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DATED this \_\_\_ day of June 2021.

**PHILLIPS, SPALLAS & ANGSTADT, LLC**

*/s/ Latisha Robinson*

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*Attorneys for Defendants*

**IT IS SO ORDERED.**

  
**UNITED STATES MAGISTRATE JUDGE**

**DATED:** June 9, 2021

Respectfully submitted:  
**PHILLIPS, SPALLAS & ANGSTADT LLC**

*/s/ Latisha Robinson*

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